

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**UNITED STATES OF AMERICA,**

**v.**

**JOSE MANUEL ALMONTE.**

Crim. No. 2:11-cr-158 (WJM)

**ORDER**

**THIS MATTER** comes before the Court upon Defendant's *pro se* motion for leave to appeal out of time, filed on February 16, 2012 (ECF No. 79); the Court noting that the judgment being appealed was entered on January 11, 2012; the Court finding that, pursuant to Federal Rule of Appellate Procedure 4(b)(1)(A), the deadline for Defendant to file a notice of appeal was January 25, 2012; the Court noting that, pursuant to Federal Rule of Appellate Procedure 4(b)(4), it may extend the time for Defendant to file a notice of appeal for a period not to exceed 30 days beyond the January 25, 2012 deadline upon a finding of excusable neglect or good cause;<sup>1</sup> and the Court finding that, based upon Defendant's February 16, 2012 submission, excusable neglect and good cause have been shown;

**IT IS** on this 1st day of March 2012, hereby,

**ORDERED** that Defendant's motion is **GRANTED**.

s/William J. Martini  
**WILLIAM J. MARTINI, U.S.D.J.**

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<sup>1</sup> See also, *United States v. Richmond*, 120 F.3d 434 (3d Cir. 1997).